

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

2019-07-16

2. Department

Government Operations Agency

3. Organizational Placement (Division/Branch/Office Name)

Office of Digital Innovation

4. CEA Position Title

Attorney

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

The mission of the Office of Digital Innovation (ODI) is to change the way the state approaches business and technology investments to ensure all state government services are efficiently delivered and easily accessed. The Attorney is a top advisor to the Director and will participate as a member of top management in the development and implementation of department policy. The Attorney is involved in every phase of the Director's work, which requires managing complex responsibilities at an extremely high level of legal expertise and management abilities.

6. Reports to: (Class Title/Level)

Director

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain):

8. Organizational Level (Select one)

- 1st
- 2nd
- 3rd
- 4th
- 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

The following major functions are performed in carrying out the duties of the position:

(1) Interprets existing legal policy (statutes, regulations, court decisions); (2) Evaluates existing legal policy for necessity, clarity, consistency with other legal policy, effectiveness, and efficiency; (3) Formulates new legal policy; (4) Evaluates proposed legal policy for necessity, consistency with other legal policy, clarity, effectiveness, and efficiency; (5) Provides legal leadership and guidance when needed.

Examples of how the Attorney carries out these functions are:

Providing legal assistance to the Director and Department staff by providing formal and informal legal opinions and updates, both upon request as well as upon own initiative. The Attorney will be responsible for arranging legal representation when lawsuits are filed, and will monitor such litigation and serve as the ODI's liaison with the Attorney General Office or outside counsel, as appropriate; responds to the request of the Governor's Office and Agency for the Departments legal views on various matters.

The Attorney provides legal leadership and assistance by reviewing the Office of Digital Innovation administrative policies and by providing legal advice on state civil service law.

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The Attorney is responsible for providing the counsel and guidance necessary for the Director and the ODI to operate effectively. The Attorney is closely involved in every phase of the Directors work including: policy development, drafting legislation, interpreting laws, guiding enforcement activities, and providing strategic legal counsel to the Director of ODI.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

The Office of Digital Innovation was established in the 2019-20 Budget Act. ODI will enhance the usability and reliability of the state's most important services by using business process improvement and leveraging digital innovation, as appropriate, to transform government services. ODI will take a user-centric approach in reviewing government services and research user needs, how they engage with state programs, and then in response, design or redesign how services are delivered. These reviews would be done by an ODI team that would work with a department to review its service delivery model. The Attorney position was approved as part of the establishment of this new program.

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

The Attorney will develop ODI policies that will establish overall function of the ODI, such as assuring compliance of statutes, tracking of legislation and PRA requests, and reporting to Executive Management, Agency and the Governor's Office. The Attorney may assist with administrative functions, such as reviewing and approving contracts requiring Executive approval, reviewing and developing new policies affecting compliance of laws and regulations affecting ODI projects.

The Attorney will assure that ODI is in full compliance of all state-mandated information technology rules and regulations.

The Attorney will review and identify Director and staff issues related to actual and potential conflicts of interest. Examples include periodic reviewing and updating of ODI's conflict of interest policy, review of filers' "Form 700" Conflict of Interest statements, and advising on specific conflict matters.

Oversees all contracts executed by ODI for legal and policy compliance and consistency. Examples are meeting with staff to discuss draft contract language, working with control agencies, including the Department of General Services, to assure compliance with contracting rules and regulations, and working with contracting parties to finalize contract terms and conditions.

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

This position participates, as a member of the executive management team, in the development and implementation of program policies and provides input related to legal implications to the Director, and the Chief Deputy Director on major policy issues. As the Director's legal advisor and principal expert on legal matters, the Attorney has the authority to accept, reject, or modify legal documents on behalf of the ODI.

The position reviews all ODI Requests for Proposals and other funding applications for compliance with state and federal laws and regulations.

This position provides guidance and legal counsel to the Director, the Chief Deputy Director, and the executive staff on the legality of alternative program approaches. Additionally, the position provides determinations on enforcement actions and renders legal opinions regarding the intent of the law to assure ODI's operations.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

The Attorney will oversee all contracts executed by ODI for legal and policy compliance and consistency. These functions are essential to assure that ODI contracts are legally sound, consistent with state policies, and written to protect the State of California from contract challenges.

While continuing with interpreting and implementing existing policy, the Attorney will develop and implement new policy by working with ODI management and all outside stakeholder groups to address current critical issues in service delivery to meet the needs of California.